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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,115	03/01/2002	John W. Averitt	00-00322	7222
26874	7590	05/02/2006	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,115	Applicant(s) AVERITT ET AL.	
	Examiner Michael J. Fisher	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US PAT 6,023,702 to Leisten et al. (Leisten).

As to claims 1, Leisten discloses a system for managing a process, that could be architectural (fig 5), with data entry means (keyboard), with would inherently use a graphical user interface as it is done on a computer and for a computer to accept data, at least one attribute information storage means (database, abstract, lines 2-5), from which a user-selected attribute is identified (col 11, line 64), each attribute having a unique identifier and data associated with it (inherent, else there would be no way to distinguish between attributes), a graphical user interface (1025), with a filter for providing filtered data (col 11, lines 65-67), the database stores the information (1003), automated selection means for incorporating the data (col 11, lines 64-67, claim 2),.

Leisten does not, however, specifically teach using the system to create a contract. Leisten does teach using the system for project management. It would have been obvious to one of ordinary skill in the art to use the system as disclosed by Leisten for creating a contract as making a contract is a project. It further would be obvious to include a "document generation means" (printer) as it is very well known in the art to connect a printer to a computer and to print out the results of work done on the computer.

As to claim 2, Leisten discloses the system as discussed above. Leisten further discloses a remote attribute information storage means (individual workstations, 1021-1026).

As to claim 3, Leisten discloses means for tracking a project (103).

As to claim 4, Leisten further discloses a generation means for creating the digital file (computer), searching means for querying the database (inherent in that databases are necessarily queried else the information stored therein could not be retrieved).

As to claim 5, Leisten discloses a system as discussed above. Leisten does not, however, specifically teach using industry accepted tags. It would have been obvious to one of ordinary skill in the art to use industry accepted tags as these are generally widely used and would allow users knowledgeable in the industry to use common terms.

As to claim 6, Leisten discloses the data as being associated with an architectural specification (fig 5).

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As to claim 7, Leisten discloses a system as discussed above. Leisten further teaches maintaining an association between each of a plurality of pieces of selectable design information (plans for the project), it would be obvious to one of ordinary skill in the art to allow the user to choose attributes, and to store those attributes for retrieval, as the system is shown to help the process and not perform it autonomously it would further be obvious to store the results so the project could be worked on through successive times and not be required to do the whole project at one time.

As to claim 8, the examiner takes Official Notice that vector equations are very well known in the architectural process, they are used to ensure that the material used is of sufficient strength to support the load. Therefore, it would have been obvious to one of ordinary skill in the art to include an identifier with a vector equation so as to be able to ensure the proper equation is used to ensure that the construction is strong enough for the load.

As to claim 9, it is well known in the art to have views of architectural plans and further, as the plans include vector equations, they would be included in the views.

As to claim 10, the examiner takes official notice that diagram utilities (such as AutoCAD), therefore, it would have been obvious to one of ordinary skill in the art to provide such a utility so the architect could use the computer to design the building.

As to claim 11, it is very well known in the art to manufacturers to have catalogues online, and further, it is very well known in the art to connect computers to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to

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allow the user to access catalogues to ensure that the design is feasible with the available materials.

As to claim 12, it is very well known to allow a user to edit documents, therefore, it would have been obvious to one of ordinary skill in the art to allow the user to edit the document to correct any misspellings so as to have the document have a more professional appearance.

As to claim 13, the examiner has already included both word processing (for editing documents for spelling) and computer aided design (AutoCAD).

As to claim 14, editing misspellings would be using a text editor.

As to claim 15, the drawings would be saved in a drawing database.

Response to Arguments

Applicant's arguments, filed 1/26/06, with respect to rejections under 35 USC 112 have been fully considered and are persuasive. The rejection has been withdrawn.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Fisher



Patent Examiner
GAU 3629

MF 
4/27/06